

# TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1200 PLD



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**Project Name:** FELIDA TERRACE SHORT PLAT

**Case Number:** PLD2009-00056; SEP2009-00094; VAR2009-00017;  
EVR2009-00053; EVR2010-00001

**Location:** 3511 NW 119<sup>th</sup> Street

**Request:** The applicant is requesting to short plat .91 acres into 8 single-family residential lots located in the R-12 zone district. VAR2009-00017 and EVR2009-00053 were withdrawn; EVR2010-00001 is a revised road modification request to allow a substandard width street to provide access to the 8 lots.

**Applicant:** Daniel Wisner  
4910 NW 127<sup>th</sup> Street  
Vancouver, WA 98685  
(360)607-7849  
[ddwisner@comcast.net](mailto:ddwisner@comcast.net)

**Contact Person:** PLS Engineering  
Andrew Gunther  
1014 Franklin Street  
Vancouver, WA 98660  
(360)944-6519  
[Andrew@plsengineering.com](mailto:Andrew@plsengineering.com)

**Property Owner:** Daniel Wisner  
4910 NW 127<sup>th</sup> Street  
Vancouver, WA 98685

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## DECISION

**Approve, subject to Conditions**

**DS Manager's Initials:** MS **Date Issued:** February 5, 2010

**County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Development Services Manager:</b>	Michael Bitts	4137	Michael.Butts@clark.wa.gov
<b>Planner:</b>	Jan Bazala	4499	Jan.bazala@clark.wa.gov
<b>Engineer Supervisor:</b> (Trans. & Stormwater):	Tom Grange P.E.	4102	Tom.Grange@clark.wa.gov
<b>Engineer</b> (Trans. & Stormwater):	Brad Hazen	4346	Brad.hazen@clark.wa.gov
<b>Fire Marshal Office</b>	Tom Scott	3323	tom.scott@clark.wa.gov

**Comp Plan Designation:** UM

**Parcel Number(s):** 188666-000

**Applicable Code Sections:** Clark County Code 15.12 (Fire Prevention); Title 24 (Public Health); 40.220.020 (Residential and Office Districts); 40.260.230 (Townhouse Standards); 40.350 (Transportation); 40.370 (Sewer and Water); 40.385 (Stormwater and Erosion Control); 40.500 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550 (Modifications and Variances); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

**Neighborhood Association/Contact:****Felida Neighborhood Association**

Jamie Allen, President

PO Box 61552

Vancouver, WA 98666

573-4030

E-mail: gaudeamus@earthlink.net

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 30, 2009. The pre-application was determined to be contingently vested as of April 9, 2009 (i.e., the date the fully complete pre-application was submitted). The contingent vesting deadline expired on November 3, 2009.

The fully complete application was submitted on November 18, 2009, and determined to be fully complete on November 19, 2009. Given these facts, the application is vested on November 18, 2009.

There are no disputes regarding vesting. The applicant was concerned that minor issues delayed the fully complete date. Staff notes the shortcomings to a fully complete application included:

- a DAHP letter for the wrong site;
- the application and narrative stated that the application was for an Infill short plat;
- an original signature was needed; and
- elevations for townhome units were not included.

### **Time Limits:**

The application was determined to be fully complete on November 19, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on February 5, 2010.

### **Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Felida Neighborhood Association and property owners within 300 feet of the site on December 3, 2009.

### **Public Comments:**

SEPA comments were submitted from the Department of Ecology advising:

- If contaminated soils are encountered that DOE shall be contacted; remedial may be necessary Water quality from must be protected from erosion and surface contaminants
- Water wells, if existing, must be properly abandoned
- Demolition of buildings must be removed and disposed of appropriately

*Staff response: The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations. Compliance with the county Stormwater and Erosion Control ordinance will prevent adverse impacts off site. The county will review and monitor implementation of the applicant's erosion control plan. Erosion control measures will be monitored by county inspection staff during construction of the subdivision. Existing water wells must be properly abandoned per Condition B-1-b. Demolition of structures will*

*require a Clark County demolition permit and compliance with the Southwest Clean Air Agency requirements per Condition B-1-c.*

## **Project Overview**

The wedge-shaped 0.9 acre site is located on the southeast corner of NW Lakeshore Avenue and NW119th Street in the Felida area, in an area with a number of other recently approved projects.

The site is located in the Vancouver School District, Fire District 6, Park District 9, the Clark Regional Wastewater sewer district, and the Clark Public Utilities water district.

There are no known critical areas on the site.

The site is developed with an older residence and two outbuildings.

The site's tapered configuration and location present some challenges. Access is via NW 118<sup>th</sup> street, an existing 20 foot wide private street stubbed to the east side of the site through the Lake River Terrace subdivision. Providing access via this substandard width street requires a road modification request.

EVR2009-00053 (a minor road modification request) was withdrawn and replaced with a design road modification request (EVR2010-00001), which, in turn was reduced to an administrative road modification. A variance request (VAR2009-00017) for a reduced street-side setback was withdrawn.

The short plat proposes two-story townhouse units on Lots 1, 2 and 3. The remaining 5 lots are proposed as single family detached units.

Comprehensive Plan, Zoning and Current Land Use

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site		R-12	Single family dwelling
North		R1-10	Single family dwellings
East		R-12	Townhouses and single family detached homes
South		R1-5	Single family dwellings/fire station
West		R1-5	Single family dwellings

## **Staff Analysis**

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### **Major Issues:**

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

### **LAND USE:**

#### **Land Use Finding 1- Permitted Uses**

Per CCC 40.220.020 and CCC 40.260.230, townhouse units and single family detached units are allowed in the R-12 zoning district.

Single family detached homes and townhomes can be mixed within one land division.

Since both detached and attached (townhouse) single family dwellings are proposed, two different sets of standards apply:

#### **Land Use Finding 2 -Townhouse specs**

Per Table 40.260.230-1 the following setbacks apply to townhome units on Lots 1-3:

- Front 10 feet
- Front Garage Door 18 feet
- Street Side 10 feet
- Side 0 or 5 feet
- Rear 5 feet

The revised plat (**Exhibit 8**) shows a driveway hammerhead-style turnaround within an easement. In order to prevent vehicles parked in front of garages on Lot 3 from blocking the turnaround, the final site plan shall show a minimum of 18 feet between all portions of the driveway easement, including the inside radius of the turnaround, and garage door facade. (**See Condition D-3-a**)

Minimum lot area = 2,800 sf.

The lots meet minimum area for townhomes, except that Lot 2, at 2,520 square feet uses the 10% reduction allowance found in Section 40.200.040.C.2 .

Minimum lot width = 25 feet

Minimum lot depth= 70 feet

The townhome lots meet the minimum lot width and depth requirements.

The maximum allowable lot coverage for townhomes is 60%.

The site plan shows the lot coverage for Lot 2 to be 1300 sf, out of 2,520, for a lot coverage of 52%, meeting requirements. Lots 1 and 3 have considerable less lot coverage.

#### Elevations

The submitted townhouse elevations show a 25 foot wide middle unit. This doesn't correspond with the 28 foot width of Lot 2. The width of Lot 2 cannot be reduced to 25 feet, as the lot area is already at the minimum. Therefore, revised elevations and floor plans will need to be submitted with the final plat which correspond to the actual lot widths. **(See Condition D-2)**

No more than forty percent (40%) of the total square footage of the front facade of each unit may be garage door area.

Since the units are two stories, this requirement is met.

#### Land Use Finding 3 - Single family detached specs

Per Table 40.220.020-3 the following setbacks apply for single family detached homes:

- Front 20 feet
- Street Side 10 feet
- Side 0 (Except to the exterior of the plat, which require 5 feet)
- Rear 0 (Except to the exterior of the plat, which require 5 feet)
- Minimum separation must be 8 feet between buildings.

The proposed plat indicates 4-foot side setbacks on Lots 4 and 5, and 5-foot side setbacks on Lots 6-8. In the event that the turnaround creates a narrower lot width for Lot 5, the west side setback for Lot 5 could be reduced down to zero if necessary, as long as the side setback for Lot 4 is increased to maintain a minimum 8 foot building separation between buildings on the two lots. If smaller setbacks are used, easements on the abutting lot for maintenance and building projections may be required. **(See Condition D-4)**

All portions of the home/garage on Lot 5 will need to maintain a 20 foot front setback from the driveway easement, including the inside radius of the turnaround. **(See Condition D-3-b)**

Minimum lot area = 2,800 sf.  
Minimum lot width = 35 feet  
Minimum lot depth= 50 feet

Lots 4-8 meet these minimum requirements.

Land Use Finding 4 - R-12 standards for both townhomes and single family dwellings  
Density

Between 8 and 12 units/acre are required in the R-12 zone.

Based on a net area of 0.882 acres, the proposed density with the 8 lots is 9.07 units per acre, meeting the required density range.

Maximum Building Height 35 feet

The building submitted townhouse elevations show a total height of approximately 26 feet.

Land Use Finding 5 - Landscaping

The proposal is subject to the landscaping requirements found in Table CCC40.320.010-1.

- East L1 – 5 foot buffer
- West and North L2 – 10 foot buffer

Instead of a 10 foot wide buffer on the west side, a 5 foot wide modified L3 buffer is proposed. The modified buffer consists of a solid 6 foot high fence and trees spaced 30 feet on center. In addition to the on-site landscaping, street trees and groundcover are also proposed in the Lakeshore right-of-way. Given the additional right-of-way landscaping, staff finds that the fence may be located on the property line, instead of interior to the lots as is normally required in Section 40.320.010.B.3.b.

Along the north property line, a modified 10 foot wide L2 buffer is proposed, using a solid 6 foot high fence and trees spaced 30 feet on center. Again, since there is also landscaping proposed in the right of way of NE 119<sup>th</sup> Street, the fence can be located on the property line.

40.320.010.C.6. requires that landscaping and screening shall be located on the perimeter of a lot or parcel. However, since the shared driveway is proposed along the east property line, a 6 foot high fence is proposed on the property line to help screen car headlights, with the remaining 5 feet of buffer on the west side of the driveway, on the individual lots. **(See Conditions A-6, C-1 and F-2)**

The landscape plan indicates 21% of the site shall be landscaped, meeting the minimum 20% required.

All trees are shown to be Korean Dogwood. This species is acceptable for use under the power lines along NW 119<sup>th</sup> Street.

#### Land Use Finding - Safe Walking Routes

The proposal is within one mile of Felida Elementary and Jefferson Junior High School. Therefore, safe walking conditions need to be addressed for this application. A sidewalk has been provided from the site north to NW 119<sup>th</sup> Street. From that point adequate pedestrian routes exist to these schools.

#### **Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

#### **ARCHAEOLOGY:**

The existing residence dating from 1914 will be removed. A letter from DAHP (**Exhibit 13**) concurs that no additional studies are required, and that the house does not meet the criteria for listing in the Washington Heritage Register.

A note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (**See Conditions A-2 and D-8-b**)

#### **Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

#### **TRANSPORTATION:**

##### Transportation Finding 1 – Roads – NW Lakeshore Avenue

NW Lakeshore Avenue is classified as an Urban Principal Arterial (Pr-2cb), a 2-lane with center turn lane and bike lanes roadway. Total build out of this roadway include 80-foot of right-of-way with 46 feet wide pavement, concrete curb/gutter, sidewalks and landscaping. The applicant is responsible for 40-foot half-width right-of-way dedication and a 23-foot half-width roadway with concrete curb/gutter, and sidewalk, and landscaping along the frontage of NW Lakeshore Avenue. Based on the county GIS mapping and the applicant's preliminary plat, the 40-foot half-width right-of-way already exists. (**See Condition A-1-a**)

##### Transportation Finding 2 – Roads – NW 119<sup>th</sup> Street

NW 119<sup>th</sup> Street is classified as an Urban Minor Arterial (M-2cb), a 2-lane with center turn-lane, and bike lane roadway. Total build out of this roadway requires an 80-foot of right-of-way with a 46 foot width of pavement, concrete curb/gutter, sidewalks, and landscaping. Based on the county GIS mapping and the applicant's preliminary plat, the existing half-width right-of-way is only 32 feet. The applicant is responsible for 40-foot half-width right-of-way dedication and a 23-foot half-width roadway with concrete curb/gutter, sidewalk, and landscaping along the frontage of NW Lakeshore Avenue. (**See Condition A-1-b**)

##### Transportation Finding 3 – Joint Driveways



The applicant has proposed 3 joint driveways to serve all the lots in this short plat. The driveways connect like spokes to the proposed extension/terminus/hub of NW 18<sup>th</sup> Street. The north driveway "spoke" includes a sidewalk capable of supporting vehicles. As proposed in Exhibit 9, each driveway is at least 16 feet wide where it connects to the terminus/hub; this arrangement provides a vehicle turnaround. Outside the turnaround area, the driveways are shown as 12 feet wide. All portions of the driveway turnaround shall be contained within easements. No portion of the driveways shall be less than 12 feet wide in a minimum 20 foot wide easement. **(See Conditions A-1-c and D-1)**

#### Transportation Finding 4– Roads – NW 118<sup>th</sup> Street

NW 118<sup>th</sup> Street, which provides access to the site through the Lake River Terrace subdivision was constructed to an Urban Infill "A" roadway standard with 20 foot wide pavement and concrete curbs on both sides of the roadway. Only 8 lots are permitted to have access onto the Infill "A" roads. This road currently provides access to 3 existing lots in the Lake River Terrace subdivision; the applicant is proposing to have 8 additional lots use this existing roadway. The applicant has requested a road modification to allow this road to provide access to a total of 11 lots. **(See Road Modification Finding 5)**

#### Transportation Finding 5 – Road Modification (EVR2010-00001)

##### Road Modification Request

The applicant is requesting to modify the number of lots that can be served from an Urban Infill "A" roadway. Urban Infill "A" roadways are designed to serve 8 lots maximum; the applicant is requesting approval for this Urban Infill "A" roadway to serve a total of 11 lots.

##### Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.

The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

##### Applicant's Discussion

The applicant has stated that the requested road modification meets criteria a, b, and c, as described above.

The narrative submitted with the road modification application provides a compelling argument that this parcel has no other access except for the existing infill roadway, NW 118<sup>th</sup> Street.

This parcel has frontage along two arterial roadways and by the transportation code, this parcel shall take access to the roadway with the lowest classification which is the infill A roadway. This existing infill A roadway is built to a 20-foot paved width with concrete curbs on both sides of the roadway.

See the attached applicant's engineer road modification request (**Exhibit 6**), pages 1-4.

#### Staff's Evaluation

Staff believes the applicant has provided sufficient justification for the road modification request. The applicant is providing 16-foot wide intersecting joint driveways at the end of NW 18<sup>th</sup> Street to provide for a fire truck turnaround.

#### Recommendation/Approval

Staff recommended approval of the road modification request subject to a condition requiring the driveways to be constructed prior to final plat. The Development Engineering Manager on behalf of the County Engineer has approved the road modification.

**(See Road Modification Memo, Exhibit 10 and Condition D-1)**

#### **Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

#### **STORMWATER:**

##### Stormwater Finding 1 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual. The project creates 5,000 square feet or more of new impervious surface and, therefore, shall comply with Minimum Requirements 1 through 10 for the new impervious and converted pervious surfaces per CCC 40.385.020(A)(4)(c).

##### Stormwater Finding 2 – Stormwater Proposal

The applicant proposes to utilize a two cell wet pond for treatment and detention of stormwater runoff. The applicant's Civil Engineer has submitted a preliminary drainage report that states this project will comply with CCC 40.385. The applicant's engineer has stated in an email (**Exhibit 11**) sent to the Engineering staff that the applicant requests the stormwater facilities to be public. **(See Condition A-4-a)**

#### **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

### **FIRE PROTECTION:**

#### **Fire Protection Finding 1 – Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

#### **Fire Protection Finding 2 – Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Condition G-3)**

#### **Fire Protection Finding 3 – Fire Flow**

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site and estimated at 6,000 gpm.

#### **Fire Protection Finding 4 – Fire Hydrants**

Fire hydrants are required for this application. The indicated existing fire hydrant is adequate.

#### **Fire Protection Finding 5 - Fire Apparatus Access**

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Condition A-8)**

#### **Fire Protection Finding 6 - Fire Apparatus Turnarounds**

Approved fire apparatus turnarounds are not required for this project.

### **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

### **WATER & SEWER SERVICE:**

#### **Water and Sewer Finding 1 - Providers**

The site will be served by the Clark Public Utilities water district and the Clark Regional Wastewater sewer district. Letters from the above districts confirm that services are available to the site.

#### **Water and Sewer Finding 2 – Health Department Evaluation Letter**

The site has an existing septic system and well. Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (**See Conditions A-7 and B-1a&b**)

**Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

**IMPACT FEES:**

**Finding 1 - Impact Fees**

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

Both townhomes and single family detached homes are proposed. Impact fees are different for the two home types.

**For Single Family Dwellings:**

- Hazel Dell sub-area with a TIF of \$3,668.66 per dwelling.
- Vancouver School District, with a SIF of \$1,112 per dwelling
- Park District #9, with a PIF of \$2,016 per dwelling (\$1,576 for park acquisition / \$440 for park development).

**For Townhouses Units:**

- Hazel Dell sub-area with a TIF of \$2,246.43 per dwelling.
- Vancouver School District, with a SIF of \$1,421 per dwelling
- Park District #9, with a PIF of \$1,472 per dwelling (\$1,151 for park acquisition / \$321 for park development).

Because of the existing residence which will be removed, impact fees for one lot will be waived, to be determined on the plat. TIF is payable prior to issuance of building permits. (**See Conditions D-6.e and E-1**)

**SEPA DETERMINATION**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on December 3, 2009 is hereby final.

### **SEPA APPEAL PROCESS:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

**Staff Contact Person:** Jan Bazala, (360) 397-2375, ext. 4499.

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the proposed plan (identified as **Exhibit 8**), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction Review for Land Division Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

**A-1 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall dedicate a minimum of 40-foot half-width right-of-way and construct a 23-foot half-width roadway with concrete curb/gutter, sidewalk, and install landscaping along the frontage of NW Lakeshore Avenue according to the Clark County Standard Drawing 5A. **(See transportation Finding 1)**
- b. The applicant shall dedicate a minimum of 40-foot half-width right-of-way and construct a 23-foot half-width roadway with concrete curb/gutter, sidewalk, and install landscaping along the frontage of NW 119<sup>th</sup> Street according to Clark County Standard Drawing 10. **(See Transportation Finding 2)**

- c. The driveways/turnaround shall be constructed within easements as shown in Exhibit 9. No portion of any joint driveway shall be less than 12 feet wide in a minimum 20-foot wide private easement. **(See Transportation Finding 3)**

**A-2 Final Construction Plan** - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**A-3 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-4 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385 and the following conditions of approval:

- a. The applicant shall comply with Clark County Stormwater code (CCC 40.385) minimum requirements 1-10 as applicable for the project. The stormwater facilities for this subdivision are to be public and be maintained by Clark County Public Works. **(See Stormwater Finding 2)**

**A-5 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.

**A-6 Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan (ref: CCC 40.320). The landscape plan shall include landscaping within the public Rights-of-Ways and on-site.

**A-7 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities

must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

**A-8 Fire Marshal Requirements:**

- a. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Fire Protection Finding 5)**

**A-9 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

- a. Prior to construction, demarcation of existing septic and water well systems, and underground tanks shall be established. **(See Water and Sewer Finding 2)**
- b. Prior to site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Health Department. **(See Water and Sewer Finding 2)**
- c. Prior to site construction, structures slated for demolitions shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and a Clark County demolition permit. **(See Public Comments-Ecology letter finding)**

**B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.



<b>C</b>	<b>Provisional Acceptance of Development</b>
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<b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1 Verification of the Installation of Required Right-of-Way Landscape** - The applicant shall provide verification in accordance with Section 40.320.030(B) that the required right-of-way landscaping has been installed in accordance with the approved landscape plan.

<b>D</b>	<b>Final Plat Review &amp; Recording</b>
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<b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** Prior to the final plat approval, all intersecting 16-foot wide joint driveways shall be constructed per Exhibit 9, which shows fire truck turning movements. *(See Transportation Finding 5 and Exhibit 9)*
- D-2** Townhouse building elevations and plans shall be submitted consistent with the approved lot widths. *(See Land Use Finding 2)*
- D-3** A final site plan shall be submitted consistent with the following:
- a. For Lots 1-3, garage doors shall maintain a minimum setback of 18 feet from all portions of driveway easements, including turnaround radii. *(See Land Use Finding 2)*
  - b. For Lots 4-8, all structures shall maintain a minimum front setback of 20 feet from all portions of driveway easements, including turnaround radii. *(See Land Use Finding 3)*
  - c. Building footprints shall be consistent with the setbacks shown on the final plat. *(See Land Use Finding 2)*
- D-4 Setbacks** - Setbacks for detached single-family units shall be identified for each lot on the face of the plat. Any allowed side setbacks less than 5 feet shall provide easements for maintenance and or building projections as required. *(See Land Use Finding 3)*
- D-5 Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.
- D-6 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
- a. Private Road Maintenance Covenant: A private road maintenance

covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

- b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- c. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- d. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- e. Impact Fees: "In accordance with CCC 40.610, except for one lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are:

For Single Family Dwellings on Lots 4-8:

- Hazel Dell sub-area with a TIF of \$3,668.66 per dwelling.
- Vancouver School District, with a SIF of \$1,112 per dwelling
- Park District #9, with a PIF of \$2,016 per dwelling (\$1,576 for park acquisition / \$440 for park development).

For Townhouses Units on Lots 1-3:

- Hazel Dell sub-area with a TIF of \$2,246.43 per dwelling.
- Vancouver School District, with a SIF of \$1,421 per dwelling
- Park District #9, with a PIF of \$1,472 per dwelling (\$1,151 for park acquisition / \$321 for park development).

The impact fees for all lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied

for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-7 Verification of the Installation of Landscape**

The applicant shall provide verification in accordance with Section 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan.

**D-8 Plat Notes** - The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are not permitted on all lots per the requirements of CCC 40.260.130."
- b. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "No direct access is allowed onto the following streets: NW Lakeshore Avenue and NW 119<sup>th</sup> St."

<b>E</b>	<b>Building Permits</b>
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	<b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

**E-1 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

For Single Family Dwellings on Lots 4-8:

- Hazel Dell sub-area with a TIF of \$3,668.66 per dwelling.
- Vancouver School District, with a SIF of \$1,112 per dwelling
- Park District #9, with a PIF of \$2,016 per dwelling (\$1,576 for park acquisition / \$440 for park development).

For Townhouses Units on Lots 1-3:

- Hazel Dell sub-area with a TIF of \$2,246.43 per dwelling.

- Vancouver School District, with a SIF of \$1,421 per dwelling
- Park District #9, with a PIF of \$1,472 per dwelling (\$1,151 for park acquisition / \$321 for park development).

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** All work shall be completed on the engineering drawings and as-built Mylar shall be submitted for review and approved.
- F-2 Land Use: Verification of the Installation of Required Landscaping:**  
The applicant shall provide verification in accordance with Section 40.320.030(B) that the required landscape within individual lots has been installed in accordance with the approved landscape plan.

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
  - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and

specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

- G-4 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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**H-1 None**

**Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

### **Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on February 5, 2010. Therefore any appeal must be received in this office by February 19, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

**Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

## Final Decision Attachment

**For Employee Use Only** -This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		
-On-site landscape plan	X	
-Right-of-way landscape plan*	X	
Final Wetland Plan		X
Final Habitat Plan		X

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

### Building Setbacks Established at Preliminary Plan Review

**Project Name:**

**Case Number:**

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

#### Setback Requirements by Lot

Lot Number(s)	Front Setback	Garage Setback	Rear Setback	Side Setback	Street-side Setback
(e.g., 1-10)					





# Felida Terrace Short Plat

Located in the NE 1/4 of Section 32 T3N, R1E, W.M.  
Clark County, Washington

## PROJECT NOTES:

Don Wilson  
Chris Venzura, LLC  
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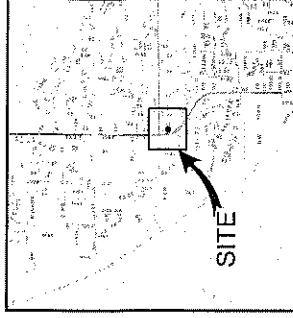
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VICINITY MAP  
NOT TO SCALE

## Felida Terrace Short Plat

A Short Plat Located in Clark County, Washington  
Primary Plat and Existing Conditions Plat For

Revisions	Added	Deleted	Revised
A	10/24/09	Added	10/24/09
B	10/24/09	Added	10/24/09
C	10/24/09	Added	10/24/09

Revisions	Added	Deleted	Revised
A	10/24/09	Added	10/24/09
B	10/24/09	Added	10/24/09
C	10/24/09	Added	10/24/09

